

FILED
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U.S. DISTRICT COURT E.D.N.Y.

★ MAY 27 2005 ★

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

BROOKLYN OFFICE

-----X
ROY DUMAS,

Petitioner,

-against-

WALTER KELLY, Superintendent,
Attica Correctional Facility,

Respondent.
-----X

JUDGMENT
97-CV- 2210 (JG)

A Memorandum and Order of Honorable John Gleeson, United States District Judge, having been filed on May 23, 2005, granting Sheppard's motion to be assigned as counsel *nunc pro tunc* as of March 13, 2005; denying petitioner's motion for immediate release; granting petitioner's motion for a stay of the Court's September 20, 2001 order pending the outcome of the appeal in the Second Circuit; ordering respondent to file on or before June 3, 2005 (*i.e.*, without waiting for the Second Circuit decision on the appeal of the conditional writ) a motion in the Appellate Division, Second Department, requesting permission to commence an untimely appeal from petitioner's conviction; and further ordering respondent to assemble forthwith the State Court record of petitioner's case and to provide it to petitioner's counsel so that, in the event the Second Circuit affirms the September 20, 2001 order, no further delay will attend petitioner's State Court appeal; it is

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ORDERED and ADJUDGED that Sheppard's motion to be assigned as counsel *nunc pro tunc* as of March 13, 2005 is granted; denying petitioner's motion for immediate release; that respondent's motion for a stay of the Court's September 20, 2001 order pending the outcome of the appeal in the Second Circuit is granted; that respondent is ordered to file on or before June 3, 2005 (*i.e.*, without waiting for the Second Circuit decision on the appeal of the conditional writ) a motion in the Appellate Division, Second Department, requesting permission to commence an untimely appeal from petitioner's conviction; and that respondent is further ordered to assemble forthwith the State Court record of petitioner's case and to provide it to petitioner's counsel so that, in the event that the Second Circuit affirms the September 20, 2001 order, no further delay will attend petitioner's State Court appeal.

Dated: Brooklyn, New York
May 24, 2005

s/Robert C. Heinemann
ROBERT C. HEINEMANN
Clerk of Court